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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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01/05/2001

Prodromos Pericles Stephanos

STEP-00-001

4758

33321

7590

03/18/2003

DANIEL P. MAGUIRE  
423 E ST.  
DAVIS, CA 95616

EXAMINER

TOOMER, CEPHIA D

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 03/18/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

Applicant(s)

Examiner

Cephia D. Toomer

STEPHANDS PRODRUMOS  
PERICLES  
Art Unit

1714

All participants (applicant, applicant's representative, PTO personnel)

(1) Cephia D. Toomer

(3) \_\_\_\_\_

(2) Dan McGuire

(4) \_\_\_\_\_

Date of Interview 14 March 2003

Type a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted d) ☐ Yes e) ☐ No  
If Yes, brief description \_\_\_\_\_

Claim(s) discussed all in general

Identification of prior art discussed Wilkins and Wesley

Agreement with respect to the claims f) ☐ was reached g) ☐ was not reached h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant proposes filing an RCE and including a declaration showing commercial success of the claimed product. Applicant argues that there is no motivation to combine the references. Applicant argues that the thickener is added to the present composition to reduce the amount of VOCs that are released into the environment. The examiner indicated that the alleged commercial success and arguments regarding motivation would be considered in the event applicant filed a RCE.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP) Section 112.04 Substance of Interview Must be Made of Record

Each complete or partial statement of the substance of the interview must be made of record. Each complete or partial statement of the substance of the interview must be made of record in the application file either in the interview summary form or in a separate record of the substance of the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

(1) Interview.

Each interview must be made of record in the application file either in the interview summary form or in a separate record of the substance of the interview. Each complete or partial statement of the substance of the interview must be made of record in the application file either in the interview summary form or in a separate record of the substance of the interview.

### 37 CFR 1.133(b) Burden of the Interview is on the Applicant

Each interview must be made of record in the application file either in the interview summary form or in a separate record of the substance of the interview. Each complete or partial statement of the substance of the interview must be made of record in the application file either in the interview summary form or in a separate record of the substance of the interview.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an interview summary form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 112.04 of the Manual of Patent Examining Procedure or pointing out typographical errors or unreadable script in the actions of the file are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate interview summary record is required.

The interview summary form shall be given an appropriate Paper No. placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In cases where a copy of the form is given to the applicant (or attorney or agent) at the conclusion of the interview, in the case of a telephonic or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication of the date to the respondent. If from the examiner is not likely before an allowance or if other circumstances dictate, the form should be mailed promptly after the interview, rather than with the next official communication.

The form provides for the inclusion of the following information:

- Application number, series number and serial number
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney, or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and, if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of this or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded in the Form or as an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the substance of the interview is recorded in the application file as a supplement to the Form is not required.

It should be noted that the fact that the substance of the interview is recorded in the application file does not constitute a complete and proper recordation of the interview unless the substance of the interview is recorded in the application file in the manner required by the applicable rules required below concerning the substance of the interview.

1. Complete and proper recordation of the substance of the interview must include at least the following and all of the terms:
  - (a) A brief description of the substance of the interview, including the date, time, and place of the interview.
  - (b) An identification of the participants involved.
  - (c) An identification of the prior art discussed.
  - (d) An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the interview summary form completed by the Examiner.
  - (e) A brief identification of the general thrust of the principal arguments presented to the examiner.

The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner are properly put into context of the application. It is the applicant's responsibility to use the application to emphasize and fully describe the arguments to the examiner. The examiner is not required to record the substance of the interview in the application file.

Examiner's Check for Accuracy